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In re Competitive Market Issues Inquiry) DTE No. 01-54A
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Pursuant to the Hearing Officer’s order dated November 6, 2001, the Massachusetts chapter of the National Association of Industrial and Office Properties (“NAIOP”) submits the following response in support of the Attorney General’s Motion for Reconsideration.

2. NAIOP agrees with the Attorney General that the Department erroneously granted an exception to its own regulations in ordering the Commonwealth's distribution companies to disclose customer usage information, except when the customer has directed his or her distribution company not to disclose such information. Both the 1997 Electric Industry Restructuring Act and a previously existing statute, M.G.L. c.25, § 5D (trade secrets, confidential, competitively sensitive or other proprietary information), recognize the commercial importance of such data to the customer. The cost

of electricity for a commercial building is competitively sensitive information, and is a critical component of commercial property values.

3. Usage information historically has been presumed to be confidential. The Department's order reverses this presumption, and provides an unwarranted subsidy (at the expense of commercial property owners and others) to retail power suppliers. The Department should reconsider its order, and not remove the current protections surrounding usage information.

Respectfully submitted,

MASSACHUSETTS CHAPTER OF THE
NATIONAL ASSOCIATION OF INDUSTRIAL
AND OFFICE PROPERTIES

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